

# EXHIBIT Q

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1 Thank you, Your Honor.

2 THE COURT: All right. Thank you. All right. In  
3 light of where we are in the case, I'm going to rule now from  
4 the bench rather than writing an opinion. There's always a  
02:35 5 danger I'm going to misspeak or get something wrong or use a  
6 shorthand phrase when I mean something more precise, but I  
7 think it's important to resolve this issue.

8 So I'm going to deny the motion to strike. My  
9 understanding is that since this litigation began, Singular has  
02:36 10 advanced an infringement theory that there were two components  
11 or pieces or functions here, a rounding or precision-reducing  
12 circuit and a multiplier. As I understand it, Singular  
13 apparently believed at the outset based on publicly available  
14 information that the precision-reducing circuit was in the MXU.  
02:36 15 It said it did that based on publicly available Google  
16 documents which it says were incorrect.

17 In any event, that proved to be not quite accurate,  
18 and at some point Singular says it's after the production of  
19 the source code that Google says it was the source code plus  
02:37 20 depositions of engineers, but in any event, at some point, and  
21 about three weeks or so after the source code was produced,  
22 Singular supplemented its contentions. I don't think it much  
23 matters in terms of whether that was deemed an amendment or a  
24 supplementation. In any event, it occurred. And the

02:37 25 supplemental contentions make clear that the precision-reducing

1 or rounding circuit is in the VPU.

2 I am struggling to see, and I'm not convinced that  
3 this distinction is material, that is, where the rounding  
4 function occurs geographically on the chip. I think the  
02:37 5 critical issue is whether the device infringes by using a  
6 precision-reducing circuit and a multiplier, which taken as a  
7 whole, represent an LPHDR execution unit, and the devices  
8 that -- the accused device is the Google TPU.

9 But in any event, I see no violation or material  
02:38 10 violation of the Court's order or the local rules concerning  
11 disclosure of infringement contentions, much less a violation  
12 serious enough to warrant preclusion, which is an  
13 extraordinarily serious response.

14 And I agree with the proposition that this is not a  
02:38 15 Rule 37 discovery issue. It's really a Rule 16 issue, speaking  
16 broadly. That is the Court's orders concerning disclosures and  
17 the applicable local rules.

18 To the extent that there were any imperfections or  
19 delays in all of this, it seems to me that they are minor. I  
02:39 20 certainly see no material prejudice. Google has had the  
21 supplemental contentions available to it for about a year or  
22 so. It's had the expert report of Dr. Khatri since last  
23 December. It's now May. Trial is not until September. I  
24 believe that Google has had ample time to respond under the  
02:39 25 circumstances, and I need not now decide anything broader than